

Form M-200

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: Earl Gene Anderson

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§

**Case No. 22-33829
(Chapter 7)**

MOTION FOR RELIEF FROM THE STAY REGARDING EXEMPT PROPERTY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN FEBRUARY 15, 2023 AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON FEBRUARY 22, 2023 AT 9:30 A.M. IN COURTROOM 403, 515 RUSK HOUSTON, TX 77002.

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: AmeriHome Mortgage Company, LLC
3. Movant, directly or as agent for the holder, holds a security interest in 239 Lonnie Lane, Kingsville, TX 78363, LOT TWENTY FOUR (24), HILLCREST SUBDIVISION UNIT 1, AN ADDITION TO THE TOWN OF KINGSVILLE, KLEBERG COUNTY, TEXAS, ACCORDING TO MAP OR PLAT OF RECORD IN ENVELOPE 125, MAP AND PLAT RECORDS, KLEBERG COUNTY, TEXAS.
4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is claimed as exempt by the debtor. Movant does not contest the claimed exemption.
5. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): Home
6. Debtor's scheduled value of property: \$375,000.00.
7. Movant's estimated value of property: \$375,000.00.
8. Total amount owed to movant: \$404,506.46.
9. Estimated equity (paragraph 7 minus paragraph 8): \$-29,506.46.
10. Total pre and post-petition arrearages: \$41,255.37.
11. Total post-petition arrearages: \$2,277.88.
12. Amount of unpaid, past due property taxes, if applicable: N/A.
13. Expiration date on insurance policy, if applicable: N/A.
14. X Movant seeks relief based on the debtor(s)' failure to make payments. Debtor(s)' payment history is attached as exhibit "A." Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.

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15. N/A . Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required under the debtor's pre-petition contracts.

16. If applicable: Name of Co-Debtor: N/A.

17. Based on the foregoing, movant seeks termination of the automatic stay to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: Luke Adams, Esq., on January 18, 2023 time: 10:47 A.M. An agreement could not be reached. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two days, excluding intermediate weekends and holidays, before this motion was filed.

Date: January 26, 2023

/s/ Sammy Hooda
Sammy Hooda, Esq.
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ATTORNEYS FOR MOVANT

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "Service Exhibit" at the addresses reflected on that exhibit on January 26, 2023 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/ Sammy Hooda
Movant's Counsel

SERVICE EXHIBIT

I hereby certify that a true and correct copy of the foregoing pleading was served on the parties listed below, at the addresses indicated via electronic delivery or by deposit in the United States Mail, first-class postage pre-paid on January 26, 2023.

DEBTORS

Earl Gene Anderson
239 Lonnie Lane
Kingsville, TX 78363

DEBTOR ATTORNEY

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/s/ Sammy Hooda
Sammy Hooda, Esq.